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2  
3 UNITED STATES DISTRICT COURT  
4 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

5 WILLIAM G. SMITH,

6 Plaintiff,

7 v.

No. C11-5401 RBL/KLS

8 RODULF TRIVENO, RANDY PIERCE,  
9 CATHERINE BAUM, GARY  
FLETCHER, WILLIAM ROLLINS,  
10 PATRICK GLEBE, DAN VAN OGLE,  
KERRI McTARSNEY, DENNIS  
11 DAHNE, TAMMY NIKULA, DANO  
GORTON, KATHY RENINGER,  
12 JOSEPH LOPIN, ELDON VAIL, DAN  
PACHOLKE, SEAN MURPHY, STEVE  
13 HAMMOND, and DEPARTMENT OF  
CORRECTIONS,

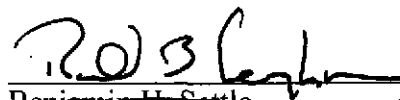
14 Defendants.

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

15 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen  
16 L. Strombom, objections to the Report and Recommendation, if any, and the remaining record,  
17 does hereby find and **ORDER:**

- 18 (1) The Court adopts the Report and Recommendation.
- 19 (2) Plaintiff's claims against Defendants Randy Pierce and Gary Fletcher are  
20 **DISMISSED without prejudice** for failure to prosecute.
- 21 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for  
22 Defendants and to the Hon. Karen L. Strombom.

23 DATED this 14 day of February 2011.

24   
25 Benjamin H. Settle  
26 United States District Court Judge